

1 **FINDINGS OF FACT FOR DO-11-0038A**

2 3. On March 15, 2011, the Board received a notice from the Phoenix Police
3 Department advising that Respondent had been charged with driving under the influence (DUI)
4 on February 27, 2011 at 12:22 a.m.

5 4. On May 13, 2011, Respondent, through his attorney, notified the Board of his
6 DUI on February 27, 2011.

7 **FINDINGS OF FACT FOR DO-11-0174A**

8 5. On or about October 19, 2011, the Board received information alleging
9 Respondent failed to complete a number of medical records or charts and that Respondent had
10 knowingly accepted call within a short period of time after being arrested for DUI.

11 6. Respondent admitted he was behind in completing his medical records/charts.

12 7. Respondent was on call for a hospital on the night he was arrested for the DUI.
13 On February 27, 2011, , the hospital called Respondent for a consultation by phone regarding a
14 medical issue involving patient care. This fell below the community standard and could have
15 harmed or endangered the public's health.

16 8. Around 8:30 a.m. on February 27, 2011, Respondent arrived at the hospital and
17 performed a procedure on a patient at the hospital. The fell below the community standard
18 and could have harmed or endangered the public's health.

19 **CONCLUSIONS OF LAW FOR DO-11-0038A**

20 9. The conduct described above is a violation of unprofessional conduct pursuant
21 to A.R.S. § 32-1854 (38), which states "Any conduct or practice that endangers the public's
22 health or may reasonably be expected to do so."

23 10. The conduct described above is a violation of unprofessional conduct pursuant
24 to A.R.S. § 32-3208 for failing to report the DUI charge to the Board within 10 days.
25

CONCLUSIONS OF LAW FOR DO-11-0174A

11. The conduct described above is a violation of unprofessional conduct pursuant to A.R.S. § 32-1854 (6), which states "Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard."

12. The conduct described above is a violation of unprofessional conduct pursuant to A.R.S. § 32-1854 (38), which states "Any conduct or practice that endangers the public's health or may reasonably be expected to do so."

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED** that Ramon Morales, D.O, holder of osteopathic medical License number 4391 is placed on **PROBATION for a period of five (5) years** from the effective date of this Order, with the following terms:

1. **Psychiatric Examination:** Respondent shall, at his own expense, schedule an evaluation with a psychiatrist. Respondent shall schedule an appointment within 14 days of the effective date of the Order and shall attend the appointment within 45 days thereafter. The psychiatrist will need prior approval by the Board's Executive Director. Respondent shall comply with the recommendation of the psychiatrist, which may include but not be limited to ongoing treatment based upon the exam results, counseling, and/or substance abuse counseling or rehabilitation.

2. **Participation in Monitored Aftercare:** Physician shall promptly participate in the Board's monitored aftercare program. As part of participation, Physician shall cooperate with Board Staff. Physician may substitute monitoring of terms 4 through 18 by Post Treatment Supervision/Greenberg and Sucher, PC (PTS), effective the date a copy of signed contract with PTS is provided to Board Staff.

1 3. **12 Step or Self-Help Group Meetings:** Physician shall participate in 12-step
2 meetings or other self-help group meetings appropriate for alcohol/substance abuse and
3 approved by Board Staff. Physician shall attend 90 meetings in 90 days beginning not later than
4 either (a) the first day following Physician's discharge from chemical dependency treatment or
5 (b) the effective date of this Agreement. After successful completion of those 90 meetings,
6 Physician shall attend a minimum of three 12-step or other self- help program meetings per
7 week. The log of attendance for those meetings shall be initialed by the meeting leader.

8 4. **Board-Staff Approved Primary Care Physician:** Physician shall promptly obtain
9 a primary care physician ("PCP") and shall submit the name of the physician in writing to Board
10 Staff for approval. Respondent shall schedule the appointment within 14 days of the effective
11 date of the Order and the appointment shall be completed within 45 days thereafter. The PCP
12 shall not be in the same office practice as the Physician, nor related to the Physician by blood or
13 marriage. The PCP shall be in charge of providing and coordinating Physician's medical care and
14 treatment. Except in an *Emergency*, Physician shall obtain medical care and treatment only
15 from the PCP and from health care providers to whom Physician is referred by the PCP.
16 Physician shall request that the PCP document all referrals in the medical record. Physician
17 shall promptly inform the PCP of Physician's rehabilitation efforts and provide a copy of this
18 Agreement to the PCP. Physician shall also inform all other health care providers who provide
19 medical care or treatment that Physician is under this Agreement. For the purpose of this
20 Agreement, "*Emergency*" means a serious accident or sudden illness that, if not treated
21 immediately, may result in a long-term medical problem or loss of life.

22 5. **Medication:** Except in an *Emergency*, Physician shall take no *Medication*
23 unless the PCP or other health care provider to whom the PCP refers Physician prescribes the
24 *Medication*. In the case of over-the-counter *Medications*, Physician shall provide to his/her PCP
25 a list of the over-the-counter *Medications* currently taken; PCP shall review and approve those
and recommend any new *Medications* needed. For purpose of this Agreement, "*Medication*"

1 or "*Medications*" means a prescription-only drug, controlled substance, and over-the-counter
2 preparation other than plain aspirin, plain ibuprofen and plain acetaminophen.

3 6. Physician shall not self-prescribe any *Medication*. For the purpose of this
4 Agreement, "self-prescribe" means starting or stopping any *Medication*, or altering the dosage
5 or regimen of any *Medication* except as directed by the PCP, or stopping altogether a
6 *Medication* prescribed by the PCP or other physician to whom the PCP has referred Physician.

7 7. If a controlled substance is prescribed, dispensed, or is administered to
8 Physician by any person other than the PCP, Physician shall notify the PCP in writing within 48
9 hours and shall notify the Board Staff immediately. The notification shall contain all
10 information required for the medication log entry specified in paragraph 8. Physician shall
11 request that the notification be made a part of the medical record. This paragraph does not
12 authorize Physician to take any *Medication* other than in accordance with paragraph 5.

13 8. **Medication Log.** Physician shall maintain a current legible log of all *Medication*
14 taken by or administered to Physician, and shall make the log available to Board Staff upon
15 request. For *Medication* taken on an on-going basis, Physician may comply with this paragraph
16 by logging the first and last administration of the *Medication* and all changes in dosage or
17 frequency. The log, at a minimum, shall include the following:

- 18 A. Name and dosage of *Medication* taken or administered;
19 B. Date taken or administered;
20 C. Name of prescribing or administering physician; and
21 D. Reason *Medication* was prescribed or administered.

22 This paragraph does not authorize Physician to take any *Medication* outside the parameters of
23 this Agreement.

24 9. **No Alcohol or Poppy Seeds.** Physician shall not consume alcohol or any food
25 or other substance containing poppy seeds or alcohol. It is Physician's responsibility to be
aware of and avoid alcohol used in personal hygiene products or in the preparation of food or
drink.

1 10. **Biological Fluid Collection.** During all times that Physician is physically present
2 in the State of Arizona and such other times as Board Staff may direct, Physician shall promptly
3 comply with requests from Board Staff to submit to biological fluid collection. If Physician is
4 directed to contact an automated telephone message system to determine when to provide a
5 specimen, Physician shall do so within the hours specified by Board Staff. For the purposes of
6 this paragraph, in the case of an in-person request, "promptly comply" means "immediately."
7 In the case of a telephonic request, "promptly comply" means that, except for good cause
8 shown, Physician shall appear and submit to specimen collection not later than two hours after
9 telephonic notice to appear is given. The Board Staff in its sole discretion shall determine good
10 cause. The Board Staff may require the collection to be observed or witnessed.

11 11. Respondent shall provide Board Staff in writing with one telephone number
12 that shall be used to contact Respondent on a 24 hour per day/seven day per week basis to
13 submit to biological fluid collection. For purposes of this section, telephonic notice shall be
14 deemed given at the time a message to submit is left at the contact telephone number
15 provided by Respondent.

16 12. Physician shall cooperate with collection site personnel regarding biological
17 fluid collection. Repeated complaints from collection site personnel that Physician is not
18 cooperating regarding collection may be considered failure to comply with this Agreement.

19 13. Physician authorizes any person or organization conducting tests on the
20 collected samples to provide testing results to the Board Staff.

21 14. **Relapse, Violation.** In the event of chemical dependency relapse by Physician
22 or Physician's use of drugs or alcohol in violation of the Order, Physician shall promptly enter
23 into an Interim Order for Practice Restriction and Consent to the Same that requires, among
24 other things, that Physician not practice medicine until such time as Physician successfully
25 completes long-term inpatient treatment for chemical dependency designated by the Executive
Director and obtains affirmative approval from the Board or the Executive Director to return to

1 the practice of medicine. Prior to approving Physician's request to return to the practice of
2 medicine, Physician may be required to submit to witnessed biological fluid collection or
3 undergo any combination of physical examination, psychiatric or psychological evaluation. In no
4 respect shall the terms of this paragraph restrict the Board's authority to initiate and take
5 disciplinary action for violation of this Order.

6 15. **Payment for Services:** Physician shall pay for all costs associated with
7 participating in this Agreement at the time service is rendered, if required, or within 30 days of
8 each invoice sent to Physician.

9 16. **Out of State Travel and/or Unavailability at Home or Office Telephone**
10 **Number:** Physician shall provide Board Staff at least three business days advance written
11 notice of any plans to be away from the office or home when such absence would prohibit
12 Physician from responding to an order to provide a biological fluid specimen or from
13 responding to communications from the Board. The notice shall state the reason for the
14 intended absence from home or office, and shall provide a telephone number that may be used
15 to contact Physician.

16 17. **Examination:** Physician shall submit to mental, physical, and medical
17 competency examinations at such times and under such conditions as directed by the Executive
18 Director to assist Board Staff in monitoring compliance with the terms of this Agreement and
19 Physician's ability to safely engage in the practice of medicine.

20 18. **Treatment:** Respondent shall submit to all medical, substance abuse, and
21 mental health care and treatment ordered by the Board or Executive Director.

22 19. **Obey All Laws.** Physician shall obey all federal, state and local laws, and all
23 rules governing the practice of medicine in the State of Arizona.

24 20. **Interviews.** Physician shall appear in person before the Board and or Board
25 Staff for interviews upon request, upon reasonable notice.

1 21. **Address and Phone Changes, Notice.** Physician shall immediately notify the
2 Board in writing of any change in office or home addresses and telephone numbers.

3 22. **Ceasing Practice in the State of Arizona:** In the event Physician ceases to
4 practice medicine in Arizona by moving out of state, failing to renew his/her license, or
5 maintaining an AZ license but ceasing to practice clinical medicine or administrative medicine
6 requiring licensure, Physician shall notify the Board that he/she has ceased practicing in AZ, in
7 writing, within ten (10) days of ceasing to practice. In its sole discretion, the Board may stay the
8 terms of this Agreement until such time as the Physician resumes the practice of medicine in
9 AZ, or may take other action to resolve this matter.

10 23. **Notice Requirements.** Physician shall immediately provide a copy of this
11 Agreement to all current and future employers and all hospitals and free standing surgery
12 centers where Physician has privileges. Within 30 days of the date of the Agreement, Physician
13 shall provide the Board Staff with a signed statement that Physician has complied with this
14 notification requirement. Physician is further required to notify, in writing, all employers,
15 hospitals and free standing surgery centers where Physician currently has, or in the future gains
16 employment or privileges, of a chemical dependency relapse.

17 24. **Failure to Comply / Violation:** Physician's failure to comply with the
18 requirements of this Agreement shall constitute an allegation of unprofessional conduct at
19 defined at A.R.S. § 32-1854(25). Proven violations may be grounds for further disciplinary
20 action, including suspension or revocation of licensure.

21 25. **Practice Monitor:** Respondent shall hire, at his own expense, within thirty_(30)
22 days of the effective date of the Order, a Board approved practice monitor. The monitor will
23 conduct chart reviews as well as ensure that the physician is using appropriate prospective
24 surgical management and maintaining medical appropriate records. The Respondent shall
25 cause the Practice Monitor to provide quarterly reports to the Board regarding the status of
Respondent's practice.

1 26. **Costs:** Respondent shall bear all costs incurred regarding compliance with this
2 Order.

3 27. **Obey All Laws:** Respondent shall obey all federal, state and local laws, and all
4 rules governing the practice of medicine in the State of Arizona.

5 28. **Ceasing Practice in the State of Arizona:** In the event that Respondent ceases
6 to practice medicine in the State of Arizona, by moving out of state, failing to renew his license,
7 or maintaining an Arizona license but ceasing to practice clinical medicine or administrative
8 medicine requiring licensure, Respondent shall notify the Board that he has ceased practicing in
9 Arizona, in writing, within 10 days of ceasing to practice. In its sole discretion, the Board may
10 stay the terms of this Order until such time as the Respondent resumes the practice of
11 medicine in Arizona, or may take other action to resolve the findings of fact and conclusions of
12 law contained in this Consent Agreement and Order for Probation.

13 29. **Failure to Comply / Violation:** Respondent's failure to comply with the
14 requirements of this Order shall constitute an allegation of unprofessional conduct as defined
15 at A.R.S. § 32-1854(25) and proven violations may be grounds for further disciplinary action
16 (e.g., suspension or revocation of license).



ISSUED THIS 14th DAY OF AUGUST 2012.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

23
24
25

By: Jenna Jones
Jenna Jones, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

Any party may request a rehearing or review of this matter pursuant to A.R.S. § 41-
1092.09. The motion for rehearing or review must be filed with the Arizona Board of

1 Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing,
2 that motion must be based on at least one of the eight grounds for review or rehearing that are
3 allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30
4 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is
5 effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or
6 review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
7 Respondent.

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10 Original "Findings of Fact, Conclusions of Law and Order for Probation"
Filed this 14th day of August, 2012 with:

11 Arizona Board of Osteopathic Examiners
12 In Medicine and Surgery
13 9535 East Doubletree Ranch Road
14 Scottsdale AZ 85258-5539

15 Copy of this "Findings of Fact, Conclusions of Law and Order for Probation"
16 sent by certified mail, return receipt requested this 14th day of August, 2012 to:

17 Ramon Morales, D.O.
18 Address of Record

19 Copies of this "Findings of Fact, Conclusions of Law and Order for Probation"
Sent via U.S. Mail, this 14th day of August, 2012 to:

20 Dee Dee Holden
21 Holden and Armer PC
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